

17607  
U.S. PTO  
020304

PTO/SB/05 (03-01)

Approved for use through 10/31/2002. OMB 0651-0032

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# UTILITY PATENT APPLICATION TRANSMITTAL

Attorney Docket No.	38055.00006.CIP1
First Inventor	Benjamin Sullivan et al.
Title	SYSTEMS AND METHODS FOR CALIBRATING OSMOLARITY MEASURING DEVICES
Express Mail Label No	EL997091103US

(Only for new nonprovisional applications under 37 CFR 1.53(b))

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

## ADDRESS TO:

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

- ☐ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
- ☒ Applicant claims small entity status.  
See 37 CFR 1.27.
- ☒ Specification [Total Pages 44]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
- ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 19]
- Oath or Declaration [Total Pages ]
  - ☐ Newly executed (original or copy)
  - ☐ Copy from a prior application (37 CFR 1.63 (d))  
(for continuation/divisional with Box 18 completed)
    - ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
- ☐ Application Data Sheet. See 37 CFR 1.76

- ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
- Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - ☐ Computer Readable Form (CRF)
  - Specification Sequence Listing on:
    - ☐ CD-ROM or CD-R (2 copies); or
    - ☐ paper
  - ☐ Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

- ☐ Assignment Papers (cover sheet & document(s))
- ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☐ Power of Attorney
- ☐ English Translation Document (if applicable)
- ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
- ☐ Preliminary Amendment
- ☐ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
- ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
- ☒ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
- ☒ Other: Return Postcard

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP)

Prior application information:


Examiner:

Group Art Unit:

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

Claim priority of prior utility application No.: TBD entitled "Tear Film Osmometry", filed March 25, 2002 that claims priority under 35 USC § 119 to U.S. Provisional Patent Application Serial No. 60/401,432 that was filed on August 6, 2002, both of which was incorporated herein in their entirety as if set forth in full.

## 19. CORRESPONDENCE ADDRESS

<input checked="" type="checkbox"/>	Customer Number or Bar Code Label	36183		or	<input type="checkbox"/>	Correspondence address below
Name						
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City		State		Zip Code		
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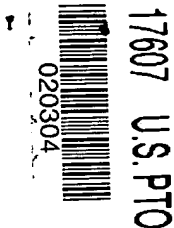
Name (Print/Type)	Noel C. Gillespie	Registration No. (Attorney/Agent)	47,596
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Patent  
38055.00006.CIP1

CONTINUATION-IN-PART APPLICATION

UNDER 37 CFR § 1.53(B)

TITLE: **SYSTEMS AND METHODS FOR CALIBRATING OSMOLARITY MEASURING DEVICES**

APPLICANT(S): Benjamin Sullivan *et al.*

Correspondence Enclosed:

Utility Application Transmittal Sheet (1 pg.); Description (36 pgs.); Claims (7 pgs.); Abstract (1 pgs.); Drawings Figures (19 sheets); Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i) (1 pg.), and Return Postcard.

PRIORITY DATA: The present application claims as a continuation-in-part to U.S. Utility Application Serial No. TBD entitled, "Tear Film Osmometry", filed March 25, 2002 that claims priority under 35 USC § 119 to U.S. Provisional Patent Application Serial No. 60/401,432 that was filed on August 6, 2002.

"EXPRESS MAIL" Mailing Label Number EL997091103US Date of Deposit February 3, 2004  
I hereby certify under 37 CFR § 1.10 that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" with sufficient postage on the date indicated above and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

Maria Carvalho

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**NONPUBLICATION REQUEST  
UNDER  
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor Benjamin Sullivan et al.

Title SYSTEMS AND METHODS FOR  
CALIBRATING OSMOLARITY MEASURING  
DEVICES

Atty Docket Number 38055.00006.CIP1

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

February 3, 2004

Date



Signature

Noel C. Gillespie, Reg. No. 47,596

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant must notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(5). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FILS OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.